IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WA.No. 1372 of 2007

AGAINST THE JUDGEMENT IN WP(C). NO.27227/2006 Dated 26/10/2006

APPELLANT: PETITIONER:

SREEDHARASHARMA,
CARD NO.1348, FOLDING SECTION, PARVATHY MILLS,
KOLLAM, NOW RESIDING AT OM CHELIL MADAM,
KANNIMEL CHERRY, SAKTHIKULANGARA, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: RESPONDENTS:
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1. THE GENERAL MANAGER,
NATIONAL TEXTILE CORPORATION, III FLOOR,
SAJAN MANSION 29/2, K.H. ROAD, SANTHI NAGAR,
BANGALORE.

2. THE GENERAL MANAGER,
PARVATHY MILLS, KOLLAM.

3. STATE OF KERLA,
REPRESENTED BY HOME SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

4. THE LABOUR COURT, KOLLAM.

5. THE EMPLOYEES PROVIDENT FUND
ORGANISATION,REGIONAL OFFICE,BHAVISHYANIDHI BHAVAN
PATTOM, TRIVANDRUM.

SPECIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR
SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 1372 OF 2007

Dated this the 10th July, 2007

JUDGMENT

H.L.DATTU, C.J.

This appeal is filed against the judgment delivered by the learned single Judge in W.P.(C) No.27227 of 2006, dated 26th October, 2006.

2. The employer had informed the appellant/petitioner that on attaining the age of superannuation on 31.10.2001, he should be retired from service. Aggrieved by the said intimation, the appellant was before this Court by filing a writ petition, which was rejected by this Court. However, the Court had permitted the petitioner to approach the Labour Court, if he so desires.

3. After disposal of the writ petition, petitioner has approached the Labour Court in I.D.No.43 of 2002. The issue that was raised before the Labour Court was whether the petitioner should be retired from service on attaining the age of superannuation on 31.10.2001. The Labour Court, taking into consideration the service records maintained by the employer and also taking into consideration that at no point of time the petitioner has requested the employer to effect/correct the date of birth of the petitioner as entered in the service records, has held that the petitioner is not entitled to the relief sought for in the dispute raised.

4. It is an admitted fact that at the fag-end of his career the petitioner has approached this Court and also the Labour Court. This Court

taking into consideration the dicta of the Apex Court in a more or less similar case, has come to the conclusion that the petitioner at the fag-end of his career is not entitled to seek for correction of the date of birth entered in the service records. The view of the learned single Judge is based on the law laid down by the Apex Court. Therefore, in our opinion, the learned single Judge has not committed any error while rejecting the Writ Petition. Therefore, interference of the said order is not called for.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/